

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Luis T. Hernandez,)	
)	
Petitioner,)	ORDER
vs.)	
)	
Timothy Schuetzle, Warden,)	
North Dakota State Penitentiary,)	Case No. 1:07-cv-056
)	
Respondent.)	

On December 19, 2007, Petitioner lodged what the court construes as request to file a surreply to Respondent's Motion to Dismiss. The Petitioner's request is **GRANTED**. The Clerk's office is directed to file Petitioner's surreply. Attachments/Exhibits to Petitioner's surreply shall be filed under seal. Respondent is **GRANTED** leave to file a response to Petitioner's surreply. The deadline for filing such a response is January 14, 2008.

IT IS SO ORDERED.

Dated this 19th day of December, 2007.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge